

**Saint Paul Planning Commission
City Hall Conference Center
15 Kellogg Boulevard West**

Minutes May 3, 2013

A meeting of the Planning Commission of the City of Saint Paul was held Friday, May 3, 2013, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present: Mmes. Merrigan, Noecker, Reveal, Shively, Thao, Wang, Wencl; and Messrs. Edgerton, Gelgelu, Lindeke, Makarios, Nelson, Ochs, Oliver, Schertler, Spaulding, and Ward.

Commissioners Absent: Mmes. *Perrus, *Porter, and Messrs. *Connolly, and *Wickiser.
*Excused

Also Present: Donna Drummond, Planning Director; Lucy Thompson, Merritt Clapp-Smith, Kate Reilly, Hilary Holmes, and Sonja Butler, Department of Planning and Economic Development staff.

I. Approval of minutes April 19, 2013.

Chair Wencl announced that the minutes are not available at this time. However they will be ready for approval at the May 17, 2013 meeting.

II. Chair's Announcements

Chair Wencl had no announcements.

III. Planning Director's Announcements

Donna Drummond announced that the Great River Gathering Dinner will be May 9th, and it is always a great community event. The main speaker is Katherine Loflin, a renowned urbanist and placemaking expert.

She also announced that the Commission's group membership to the American Planning Association is due; it will be renewed July 1st. Commissioners who are interested in being a member or renewing membership should provide a \$50 check payable to City of Saint Paul to Donna Drummond or Sonja Butler sometime between now and June.

IV. PUBLIC HEARING:

Chair Wencl announced that the Saint Paul Planning Commission is holding a public hearing on the District 9 Area Plan Amendments. Notice of the public hearing was published in the Legal Ledger on April 18, 2013 and was sent to the citywide Early Notification System list and other interested parties.

Lucy Thompson, PED staff gave a brief presentation regarding work that has been done with neighborhood representatives since the Planning Commission released the document in March. After the Planning Commission completes its review and makes a recommendation to the City Council, the proposed amendments will be dropped into the District 9 Area Plan Summary in the appropriate place. As of today, no written testimony has been received.

Chair Wencil read the rules of procedure for the public hearing.

The following people spoke.

1. Ms. Marit Brock, West 7th/Fort Road Federation Board incoming Chair and President of the Little Bohemia Neighborhood Association. Ms. Brock explained the community's intentions and objectives in developing the proposed amendments. Going through their options and vision for the community, it became clear that they had a communication problem. They determined that the area plan did not provide enough specifics for City staff or developers to know the community's vision for the commercial corridor. With guidance and expertise from Lucy Thompson, Betty Moran and Becky Yust, their project team developed the proposed amendments to the District 9 Area Plan. They believe the amendments support the unique nature of West 7th and will encourage development in the area. The neighborhood believes the proposed amendments are welcoming, clear and provide accountability so the neighborhood can manage its vision for commercial development.
2. Ms. Becky Yust led the neighborhood group that prepared the area plan amendments. They realized that the area plan summary adopted in 2010 did not provide enough clear guidance on what the community wanted to see along W. 7th Street. In response to concerns raised by Commissioners in March when the proposed amendments were released for public comment, Ms. Yust presented new wording to remove potential conflicts with existing zoning dimensional standards, be more flexible so that language does not become obsolete so quickly, and clarify the intent of the guidelines.

Commissioner Oliver stated that the proposed changes to the amendments presented by Ms. Yust adequately address his concerns.

MOTION: Commissioner Oliver moved to close the public hearing, leave the record open for written testimony until 4:30 p.m. on Monday, May 6, 2013, and to refer the matter back to the Neighborhood Planning Committee for review and recommendation. Commissioner Merrigan seconded the motion. The motion carried unanimously on a voice vote.

V. Zoning Committee

SITE PLAN REVIEW – List of current applications. (Tom Beach, 651/266-9086)

Three items came before the Site Plan Review Committee on Tuesday, April 30, 2013:

- Alpha Gamma Rho Fraternity House, addition to existing fraternity house at 2060 Carter.
- Kowalski's Market, preliminary meeting for expansion of existing grocery store. Expansion extends into right of way for Ayd Mill Road.

- Securian Plaza, revised plans for renovating existing plaza. Staff looked at this plan before in December 2012 at 400 Robert Street North.

Two items to come before the Site Plan Review Committee on Tuesday, May 7, 2013.

- Macalester College Parking Lot, expand existing parking lot at 1655 Grand Avenue.
- Metropolitan Council LRT Elevator Tower, elevator and stairs to provide access from Cedar LRT station to skyway system at 46 5th Street East.

NEW BUSINESS

#13-170-780 Bilal Alsadi – Conditional use permit for an auto convenience market. 1188-1200 Rice Street between Maryland and Rose. (*Kate Reilly, 651/266-6618*)

Commissioner Reveal gave the report.

Commissioner Spaulding made a motion for two amendments to add two additional conditions, 1) that the owner(s) complete to the City's satisfaction any repair order(s) for the fence or property within 45 days. 2) that the storm water basin undergo annual intensive cleaning appropriate to its function which is removing any debris or filtered materials from the bottom of it. Commissioner Oliver seconded motion.

Commissioner Spaulding also said that the stormwater basin is on the owner's property, which is part of his site plan approval requirement and part of the Capital Region Watershed District's requirement to meet their requirements. So it is something expected of any property owner, it's just being articulated clearly here because maintenance has been a problem and that's one area easy to overlook maintaining one's property.

Commissioner Ward asks how that would be enforced.

Commissioner Spaulding said if the owner is out of compliance then the City can go in and request compliance with that condition because it is in the conditional use permit.

Commissioner Ward suggested that since the underground storage retention basin is hidden out of sight and if there is an issue one way to tell that it is not functioning properly is if there is water percolating up but there should be a maintenance plan. He suggested a friendly amendment be included that there is a yearly inspection and a check list that can be seen. Now there is some type of checks and balances that says this was done on this date and this was the authority that did it and there's some way of enforcing that because it's kind of ambivalent and it doesn't provide the necessary enforcement we're looking for, so he'd like to add that.

Commissioner Spaulding did not object as long as we don't lose the sense that this needs to be intensively cleaned and maintained and he believes that this is above ground.

Chair Wencil is not sure that basin is the word used. So we may be talking about the same thing but defining it differently.

Commissioner Spaulding said the actual terminology used in the plan is Rate Control Basin. The intent of it is to slowly allow storm water to enter the system rather than in one surge. The idea here is certainly for appearance but also in order for these to function effectively there needs to be some additional maintenance, usually cleaning out filtered materials and that needs to be cleaned out regularly.

Commissioner Ochs asked whether they should put on any conditions for annual or scheduled maintenance or can we rely on the Department of Safety and Inspections (DSI) to inspect and ensure it's in working order.

Commissioner Edgerton said that these are very common devices that are used all over and it is typically required that there is some periodic or at least annual maintenance. He's not sure where it is built in the development requirements but that the City through DSI probably has some requirement already for that. In terms of what maintenance is required it is mainly debris and litter that needs to be picked up, sediment that must be removed, and removing sticks and trash. It is something the owner can easily do and it's normal and expected on all of these things. It is a little redundant, that we put a special condition on this, as this is not an unusual thing that must regularly be done.

Commissioner Noecker asked what it means if we do have these conditions and they're already expected of property owners and then we put them in a conditional use permit. Does that mean that next time if we don't put them in the conditional use permit that it's not expected? Does that weaken the fact that it is already expected by giving it this additional emphasis?

Commissioner Oliver said that the issue here is not just the fact that it has a retention basin but it has a retention basin on a prominent corner. And in terms of how he would expect it to be worked out, in terms of enforcement it will likely become a City issue if someone complains that it's not working or it is full of junk. Doing the annual inspection and cleaning part makes the enforcement somewhat easier because the owner can't point to what they've done, in terms of actually satisfying the condition rather than having a broader condition about keeping it clean. Even though it duplicates an existing duty he thinks it is an appropriate item for a conditional use permit condition.

Kate Reilly, PED staff, made it clear that this is a Rate Control System. There is a basin with a pipe that gradually allows water to filter into the storm water system.

Commissioner Nelson pointed out that the second condition already states that a litter collection plan is provided and he would not expect that to exclude the Rate Control Basin.

The Commissioners had more discussion and some tweaking of Commissioner Spaulding's two conditions.

Commissioner Shively said since Capital Region is the body that has required these types of facilities for new construction, maybe we are entering into territory where we don't understand all the things that they require for this. She thinks we should require in a condition to have maintenance of it in accordance with Capital Region requirements. She would like more information at some point if these types of facilities are being used increasingly around the city. We should have a better understanding of how these work, who the regulatory authority is, how often those things are maintained and who inspects them.

MOTION: *Commissioner Spaulding moved to add two additional conditions to the conditional use permit. 1) That all City-issued maintenance orders for the fencing be completed within 45 days of receipt of the order. 2) That a maintenance plan for the storm water detention pond be filed with the City that, at a minimum, requires annual maintenance of the storm water detention pond. The motion carried unanimously on a voice vote.*

MOTION: *Commissioner Reveal moved the Zoning Committee's recommendation to approve the conditional use permit subject to additional conditions. The motion carried unanimously on a voice vote.*

Donna Drummond, Planning Director, said that it was a good suggestion to have someone from Capital Region Watershed District come and give a presentation. That would be very helpful for everyone and she will ask them about that.

Commissioner Nelson announced the items on the agenda for the next Zoning Committee meeting on Thursday, May 9, 2013.

VI. Comprehensive Planning Committee

Neighborhood STAR Proposals: Review for Comprehensive Plan Conformance – Approve resolution and comments to be transmitted to the Neighborhood STAR Board for 2013 funding applications. (*Merritt Clapp-Smith, 651/266-6547*)

Commissioner Merrigan said that they had met last Tuesday, and on their agenda was review of the staff's comments regarding Neighborhood STAR applications conformance with the Comprehensive Plan. The Committee had a lengthy discussion and as a result there are some items in the cover memo for next year's review, which will help them do their job more effectively and create a better relationship with the staff of the STAR review team. After the committee meeting Merritt Clapp, PED staff, thoroughly reviewed a number of the applications and made sure the language was consistent in the citations for compliance for similar types of applications and sent it to the committee for review. This resulted in a better set of comments to represent the work of the Comprehensive Planning Committee and the Commission.

MOTION: *Commissioner Merrigan moved on behalf of the Comprehensive Planning Committee to recommend approval of the resolution and comments to be transmitted to the Neighborhood STAR Board. The motion carried unanimously on a voice vote.*

VII. Transportation Committee

Harriet Island to South St. Paul Regional Trail Master Plan – Approve resolution recommending approval of the plan to the Mayor and City Council. (*Don Varney, Parks and Recreation*)

Don Varney, Parks and Recreation Design staff said that the Harriet Island to South St. Paul Regional Trail Master Plan began in 2007 with the idea of making a trail connection between

Harriet Island Regional Park and Kaposia Landing Park in South St. Paul. The Parks Department applied for Federal Transportation Enhancement Grants to help fund the construction but due to grant size limitations, the project was broken into multiple segments and 5 separate grants applications were submitted. None of the grant applications were successful but since that time several changes occurred to strengthen the merits of the project. 1. The Department of Transportation began supporting the Mississippi River Trail- a multi-state trail that starts at the headwaters of the Mississippi River and continues near the Mississippi River all the way to the Gulf of Mexico. 2. South St. Paul and Dakota county planners collaborated with us in further planning of the trail. 3. Master Plan development began to add this to the Regional Park System. On the strength of these developments, St. Paul, South St. Paul and Dakota County jointly applied for a Surface Transportation Program (STP) grant for construction of the entire trail. Up to a maximum of \$5 million is available for trail projects under this program. The grant application was successful and in 2017, we will be able to join forces with the other agencies and build the trail guided by the Master Plan.

One key factor in developing the trail alignment was the ability to use existing public land and eliminate the need for expensive acquisition. Through discussions with a representative of the Metropolitan Airports Commission (MAC) and the St. Paul Port Authority, we have preliminary agreement that we will be able to utilize no cost easements to build the trail. South St. Paul has initiated discussions with the CP Railroad to allow the construction of a bicycle and pedestrian bridge over the multiple rail lines adjacent to Kaposia Landing Park. We are seeking a Planning Commission recommendation for the City Council to approve this plan which is a prerequisite for us to obtain Met Council approval to add this trail to the Regional Trail System. This will allow the City to obtain Met Council maintenance funds to assist the cities in operating and maintaining the trail.

Chair Wencl asked about federal requirements in terms of no fly zones and areas where they don't want a lot of people to be and security around the airport.

Mr. Varney, Department of Parks and Recreation said that MAC was agreeable with our use of the road right of way even in proximity of some flight paths as long as there was nothing to encourage people to stop and congregate. Their other primary concern was that we maintain security fencing between the trail and airport property.

Chair Wencl said regarding the railroads have there been discussions on how likely are we to get the necessary easements?

Mr. Varney said they have had initial discussions with Ramsey Co. Regional Rail Authority and they have reviewed this Master Plan. Since existing at-grade rail crossings already exist in the Saint Paul segments, the modifications to the existing crossing agreements should not be a problem. In South St. Paul, a bike/pedestrian bridge is proposed to cross the CP Rail lines. They have hired the engineering firm TKDA to do cost analysis and to initiate discussions with rail representatives on the feasibility and conditions required for bridge construction over the rail lines.

Commissioner Ward said that in the plan on page 10 it talks about the Stewardship Plan and it talks about each entity, the City of Saint Paul, City of South Saint Paul, and Dakota

County cooperatively managing their portions of the trail. In those areas where there is a shared easement between the railroad and each of these entities who specifically is going to be responsible for maintenance of the trail?

Mr. Varney replied that each municipality will be responsible for their respective portions of the trail for both operation and maintenance. When the trail has been given Met Council's Regional Trail Status, both cities will be able to utilize regional trail maintenance funds to assist with trail maintenance costs.

MOTION: *Commissioner Spaulding moved on behalf of the Transportation Committee to recommend approval of the resolution and forward to the Mayor and City Council for adoption of this Plan. The motion carried unanimously on a voice vote.*

Commissioner Spaulding announced the items on the agenda for the next Transportation Committee meeting on Monday, May 6, 2013.

VIII. Neighborhood Planning Committee

Commissioner Oliver announced the items on the agenda for the next Neighborhood Committee meeting on Wednesday, May 8, 2013.

IX. Communications Committee

Commissioner Thao had no report.

X. Task Force/Liaison Reports

Commissioner Reveal said that the charrette for the West Side Flats was held the previous two days and thanks to Lucy Thompson and the design team they worked extremely hard those two days. There is going to be a lot of exciting stuff to come out of this. The next task force meeting is on May 23, 2013.

Commissioner Merrigan said that the Shepard Davern Task Force will have their community open house Wednesday, May 8th, 6-8:00 p.m. at the Graham Place Senior Apartments.

Commissioner Edgerton and Commissioner Ochs went to the E. 7th Better Block planning meeting on April 25th. The actual event is June 8, 2013 on East 7th Street between Margaret and Arcade Streets. It is a one day event, temporarily transforming the existing block into a Complete Street with walkable and bikeable amenities and pop-up businesses. Commissioner Edgerton encourages people to go and see it as it will be a really interesting event.

XI. Old Business

None.

XII. New Business

None.

XIII. Adjournment

Meeting adjourned at 9:52 a.m.

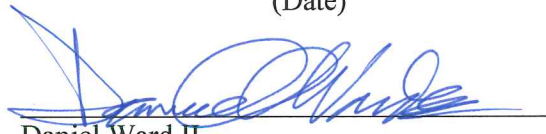
Recorded and prepared by
Sonja Butler, Planning Commission Secretary
Planning and Economic Development Department,
City of Saint Paul

Respectfully submitted,



Donna Drummond
Planning Director

Approved May 17, 2013
(Date)



Daniel Ward II
Secretary of the Planning Commission

PED\Butler\planning commission\minutes\May 3, 2013